

JUN 10 2009

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/159 (08-06)  
Approved for use through 06/30/2009, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	10/812,380	Confirmation Number	2606	Filing Date	3/29/04
Attorney Docket Number (optional)	1800-000001	Art Unit	3761	Examiner	Deak, Leslie R.
First Named Inventor	Iftikhar Khan				
Title of Invention	Hybrid Arteriovenous Shunt				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).					
<b>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</b>					
A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Nazir	Ahmad	Khan			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.					
Select (1) or (2) :					
<input checked="" type="checkbox"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input type="checkbox"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	Nazir Ahmad Khan		Date (YYYY-MM-DD)	2009-06-08	
Name	NAZIR.AHMAD.KHAN		Registration Number		

## In the United States Patent and Trademark Office

RECEIVED  
CENTRAL FAX CENTER

Appn. Number: 10/812,380

JUN 10 2009

Filing Date: 2004 Mar 29

Applicant(s): Iftikhar Khan, Nazir A. Khan

Examiner: Deak, Leslie R

Art Unit: 3761

Mailed: 2009 June 8

At: Chicago, IL

## Declaration in Support of Accompanying Petition To Make Special Under MPEP Sec.

708.02

## Reason I – Infringement

In support of the accompanying Petition to Make Special, applicant declares as follows:

1. The infringing device called HERO Vascular Access Device manufactured by Hemosphere, 6545 City West Parkway, Eden Prairie, MN 55344 is on the market.
2. That a rigid comparison of the alleged infringing device with the claims of the application has been made, and that, in applicant's opinion, most of the claims are unquestionably infringed.
3. The applicant's have a good knowledge of the pertinent prior art.
4. *We* further declare that all statements made herein of my own knowledge are true and that *we* all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

Very respectfully,

*Iftikhar Khan - Nazir Khan*  
Iftikhar Khan Nazir Khan  
747 Wrightwood Ave 150 Glenmora Drive  
Unit C Burr Ridge, IL 60527  
Chicago, IL 60614 630-986-5636